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Attorneys for Plaintiff
MARIE GAUDIN, individually,
and on behalf of others similarly situated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIE GAUDIN, individually, and on behalf of)
others similarly situated,)

Plaintiff,)

v.)

SAXON MORTGAGE SERVICES, INC.,)
A Texas corporation,)

Defendants.)

Case No. C 11-01663-JST

CLASS ACTION

REPLY DECLARATION OF PLAINTIFF
MARIE GAUDIN IN SUPPORT OF
MOTION FOR CLASS CERTIFICATION

Hearing Date: June 20, 2013
Hearing Time: 2 p.m.
Courtroom 9, 19th Floor, SF
Hon. Jon S. Tigar

1 I, MARIE GAUDIN, declare as follows:

2 1. I make this Declaration of my own personal knowledge, and if called to testify, I
3 could and would testify competently to the matters stated herein.

4 2. I am the Plaintiff and proposed Class representative in the above entitled action.

5 3. This declaration is in reply to the opposition to my motion for class certification.

6 4. On or about January 28, 2010, through bankruptcy counsel John D. Raymond, Esq.,
7 I filed a petition for Chapter 13 bankruptcy, U.S. Bankruptcy Court Northern District of California
8 (San Francisco), Bankruptcy Petition No. 10-30254. All filings therein were true and correct to my
9 knowledge. The bankruptcy plan requires that I make payments through a trustee to repay my
10 creditors over time. I am making these payments.

11 5. I did not misrepresent my income (or anything else) to Saxon in connection with my
12 efforts to obtain loan modification (or otherwise). I never told Saxon I made \$54,200 a year, much
13 less that such a figure appeared my Schedule C.

14 6. By no later than March 26, 2009, I sent Saxon my complete 2007 tax return as part
15 of a modification application package that included a hardship letter, financial statement, and bank
16 statements. Per instructions that Saxon's representative gave me on the phone, the financial
17 statement estimated future income of \$5,420/mo. based on projected reductions in my business
18 expenses and exclusion of business debt, which was drowning me until my bankruptcy filing. I
19 noted this on the financial statement and in the hardship letter, the content of which was true and
20 correct. I do not recall how the precise \$5,420/mo. figure was determined, but believe that Saxon's
21 representative filled in the financial statement document and sent it to me for signature.

22 7. I re-sent my 2007 tax return to Saxon on or about May 24, 2009, the date I signed
23 the TPP and other documents in the HAMP application package, as per its instructions. A true and
24 correct copy of the form checklist I used in completing the application packages is submitted
25 herewith as **Exhibit O**.

26 8. I obtained an extension on my 2008 tax return filing, so it did not exist until the
27 following fall of 2009.

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1 I declare under penalty of perjury under the laws of the State of California and the United
2 States that the foregoing is true and correct. Executed this 13th day of June, 2013 at San
3 Francisco, California.

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